

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

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Benjamin Mostaed, on behalf of himself and all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	No. 3:11-CV-079-REP
	:	
vs.	:	
	:	
James B. Crawford, et al.,	:	
	:	
Defendants.	:	
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DECLARATION OF MITCHELL A. LOWENTHAL

MITCHELL A. LOWENTHAL, under penalty of perjury pursuant to 28 U.S.C. § 1746,
hereby declares as follows:

1. I am an attorney admitted to practice before the courts of the State of New York, and a member of the firm of Cleary Gottlieb Steen & Hamilton LLP, counsel for defendants Alpha Natural Resources, Inc. ("Alpha") and Massey Energy Company (n/k/a Alpha Appalachia Holdings, Inc.) in the above-captioned action. I submit this declaration in support of Defendants' Opposition to Plaintiff Mostaed's Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards.
2. In connection with my representation of Alpha in this action, on May 26, 2011, I participated in the argument on the preliminary injunction motion conducted by then Vice Chancellor, now Chancellor, Strine of the Delaware Court of Chancery in the action entitled In re Massey Energy Derivative Litigation, No. 5430-VCS (Del. Ch.). The argument lasted approximately four hours.

3. On June 28 and June 30, I participated in two, very brief, telephone conferences with Frank Johnson, counsel to Mostaed. The subject solely concerned Mr. Johnson's request for a fee. The amount requested made further discussion unwarranted; the discussions ended without Defendants having made any offer of compensation to Mostaed's counsel.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: New York, New York
July 26, 2011

A handwritten signature in black ink, appearing to read "Mitchell A. Lowenthal", written over a horizontal line.

Mitchell A. Lowenthal